

SENATE BILL 2592
By Herron

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 30, Part 1, relative to the transfer out of Tennessee of vascular organs for transplantation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 30, Part 1, is amended by adding the following new section:

___ (a) In the event a gift of any vascular organ for transplantation purposes is made in the state of Tennessee, if the donor does not name a specific donee and the organ is deemed suitable for transplantation, the vascular organ shall be donated to the appropriate Tennessee organ procurement agency, which shall use its best efforts to determine if there is a suitable recipient in the state.

(b)(1) Subject to the provisions of subdivision (b)(2) hereof, if, in the best judgment of the Tennessee organ procurement agencies, the people of Tennessee would be best served by the entry into reciprocal agreements for the sharing of vascular organs with qualified organ procurement organizations in other states by the several Tennessee organ procurement agencies, then such organ procurement agencies acting together and not separately shall have the authority, with sole discretion as to terms and conditions, to enter into such vascular organ sharing arrangements; provided however, that the Tennessee organ procurement agencies which shall enter such reciprocal agreements shall be parties to a statewide sharing arrangements; provided however,

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that the Tennessee organ procurement agencies which shall enter such reciprocal agreements shall be parties to a statewide sharing agreements with respect to such vascular organs and no Tennessee organ procurement agency shall have such authority acting alone. The terms of such reciprocal vascular organ sharing arrangements may provide that a vascular organ recovered in Tennessee may be transferred to an out-of-state organ procurement organization and transplanted there into a suitable recipient before such vascular organ is offered to and place into a suitable recipient located in Tennessee.

(2) Prior to the organ procurement agencies entering into a reciprocal agreement, the proposed agreement shall be submitted to the commissioner of health for review and comment. The commissioner of health shall comment, if at all, within sixty (60) days of the submission of the proposed agreement after which time the organ procurement agencies may enter such proposed reciprocal agreement.

(c) Tennessee organ procurement agencies may only transfer a vascular organ to an out-of-state organ procurement organization or suitable out-of-state recipient for transplantation if either:

(1) A suitable recipient in the state of Tennessee cannot be found in a reasonable amount of time, or

(2) The Tennessee organ procurement agencies have a reciprocal agreement with the out-of-state organ procurement organization as provided in subsection (b) of this section.

(d) "Vascular organ" means the heart, lungs, kidneys, liver, pancreas, or any other organ that requires the continuous circulation of blood to remain useful for transplantation purposes and does not include human tissue, bones, or corneas.

SECTION 2. This Act shall take effect July 1, 1998, the public welfare requiring it.